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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: October 28, 2004 Name: Andrew D. Stover, Reg. No. 38,629 Signature:

BRINKS
HOFFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Grychowski et al.

Appln. No.: 10/774,751

Filed: February 9, 2004

For: VENTILATOR CIRCUIT AND THE
METHOD FOR THE USE THEREOF

Attorney Docket No: 6298-449

Examiner: Unassigned

Art Unit: 3749

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Information Disclosure Statement (in duplicate).
- ☒ Form PTO 1449.
- ☒ Copies of eight (8) cited references.
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 44=			x \$88=	
First Presentation of Multiple Dep. Claim					+ \$150=			+ \$300=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

October 28, 2004
Date

Andrew D. Stover (Reg. No. 38,629)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: GRYCHOWSKI ET AL.

Appln. No.: 10/774,751

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For: VENTILATOR CIRCUIT AND
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THEREOF

Attorney Docket No: 6298-449

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INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(c), Applicants hereby cite the following reference(s):

U.S. Patent No.	Issue Date	Patentee
3,028,873 A	04/1962	KINDRED
3,726,274 A	04/1973	BIRD ET AL.
4,534,343 A	08/1985	NOWACKI ET AL.
4,938,210 A	07/1990	SHENE
5,012,804	05/1991	FOLEY ET AL.
6,039,042 A	03/2000	SLADEK
US2002/0069870 A1	06/2002	FARMER
6,435,177 B1	08/2002	SCHMIDT ET AL.

FOREIGN PATENT DOCUMENTS

Document Number	Date	Country
EP 0 972 534 A2	01/2000	EPO
EP 0 972 534 A3	01/2000	EPO
WO 2004/071549 A2	08/2004	PCT
GB 750 152 A	06/1953	UNITED KINGDOM

Other Art

International Search Report for PCT/IB2004/000333 filed February 10, 2004.

Written Opinion of the International Searching Authority for PCT/IB2004/000333 filed February 10, 2004.

"The Use of Aerosolized Medicines in Neonates," Cynthia H. Cole, M.D., M.P.H., Neonatal Respiratory Diseases, Vol. 10, No. 4; Associates in Medical Marketing Co., Inc., Newtown, PA.; 2000, 6 pages.

"A Dose-ranging study to assess the effect of inhaled corticosteroids in ventilated preterm neonates.," Drs. Vibhuti Shah and Edmond Kelly, Mount Sinai Hospital, and Dr. Michael Dunn, Sunnybrook and Women's College Health Sciences Center, date unknown, 27 pages.

Applicants are enclosing Form PTO-1449 (one sheet), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R. §1.98(a)(3). Applicants respectfully request the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

By submitting this Statement, Applicants are attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

Applicants have filed this statement prior to receipt of an Office Action on the merits. Accordingly, Applicants have calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,



Andrew D. Stover (Reg. No. 38,629)

October 28, 2004

Date



FORM PTO-1449	SERIAL NO. 10/774,751	CASE NO. 6298-449
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (use several sheets if necessary)	FILING DATE February 9, 2004	GROUP ART UNIT 3749
APPLICANT(S): GRYCHOWSKI et al.		

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	3,028,873 A	04/1962	KINDRED		
	A2	3,726,274 A	04/1973	BIRD ET AL.		
	A3	4,534,343 A	08/1985	NOWACKI ET AL.		
	A4	4,938,210 A	07/1990	SHENE		
	A5	5,012,804	05/1991	FOLEY ET AL.		
	A6	6,039,042 A	03/2000	SLADEK		
	A7	US2002/0069870 A1	06/2002	FARMER		
	A8	6,435,177 B1	08/2002	SCHMIDT ET AL.		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER <small>Number-Kind Code (if known)</small>	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES OR NO
	A9	EP 0 972 534 A2	01/2000	EPO		
	A10	EP 0 972 534 A3	01/2000	EPO		
	A11	WO 2004/071549 A2	08/2004	PCT		
	A12	GB 750 152 A	06/1953	UNITED KINGDOM		

EXAMINER INITIAL	OTHER ART – NON PATENT LITERATURE DOCUMENTS <small>(Include name of author, title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date page(s), volume-issue number(s), publisher, city and/or country where published.)</small>	
	A13	International Search Report for PCT/IB2004/000333 filed February 10, 2004.
	A14	Written Opinion of the International Searching Authority for PCT/IB2004/000333 filed February 10, 2004.
	A15	"The Use of Aerosolized Medicines in Neonates," Cynthia H. Cole, M.D., M.P.H., Neonatal Respiratory Diseases, Vol. 10, No. 4; Associates in Medical Marketing Co., Inc., Newtown, PA.; 2000, 6 pages.
	A16	"A Dose-ranging study to assess the effect of inhaled corticosteroids in ventilated preterm neonates.," Drs. Vibhuti Shah and Edmond Kelly, Mount Sinai Hospital, and Dr. Michael Dunn, Sunnybrook and Women's College Health Sciences Center, date unknown, 27 pages.

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.